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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10.000,330	12 04 2001	Heinz Berbner	48606-DIV	1457
75	90 03 17 2003			
Herbert B. Keil KEIL & WEINKAUF 1101 Connecticut Avenue, N.W.			EXAMINER	
			CHIN, PETER	
Washington, DC 20036			ART UNIT PAPER NUMBER	
			1731	5
			DATE MAILED: 03-17/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address		Application No.	Applicant(s)			
Peter Chn The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this COMMUNICATION THE MAILING DATE of THIS COMMUNICATION If the period for pay specified above is less than thin (30) does, a replication is because of the correspondence address of the control of the		10/000,330	BERBNER ET AL.			
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 12-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are allowed. 11) The proposed drawing correction filed on is: allowed. 12) The proposed drawing correction filed on is: allowed. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 09/555,598 application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-892) 5) Notice of Informal Patent Application (PTO-152)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)					
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal F				

Application/Control Number: 10/000,330

Art Unit: 1731

DETAILED ACTION

1. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zettler et al (DE 3147308) and Nihongi et al (DE 2364091) in view of Weiser et al (EP 523485).

Zettler et al discloses a non-woven melamine formaldehyde resin fiber insulation mat useful as a building material. The mat is 50-100 mm thick, has a density of 15-50g/l; and in a specific example, a mat shows a spontaneous recovery of 85% and after 6 hours, 100%. Zettler et al, on page 2 employs fire resistant melamine formaldehyde resin fiber such as those disclosed by Nihongi et al, who contemplates the use of substituted melamine in the melamine formaldehyde resin. Thus it would be obvious to use other known fire resistant substituted melamine formaldehyde resin fiber such as the one disclosed by Weiser et al, which are the same melamine formaldehyde resin fibers as claimed. Since the Zettler et al mat is a building material, it is inherently installed in a building structure.

2. Claim13-17,19-21,24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zettler et al and Nihongi et al in view of Weiser et al as applied to claim12 above, and further in view of Berbner et al (WO 9701661).

Berbner teaches that it is well known to employ thermoplastic fibers such as polyester fiber as bonding fiber for melamine formaldehyde resin fiber non-woven. Thus nit would have been obvious to use the claimed polyester fiber as the binder in Zettler et al. The use of sheath and core polyester fiber as in claims 17, 19,21 and 24 would have been obvious since it is a standard type for use as bonding fiber in making non-

Page 3

Application/Control Number: 10/000,330

Art Unit: 1731

wovens. If evidenced is needed see Fottinger et al (5,387,382) and Matsuda et al (5,677,027).

- 3. Claims 12-26 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The thickness, density, sound adsorption and recovery capacity as stated on page 13 are properties critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).
- 4. It is noted that if the limitation of claim 18 is combined with independent claims 12 and 26 and the 35 USC 112 deficiency is resolved, the claims would be allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

Peter Chin Primary Examiner Art Unit 1731